

WAYNE GREENWALD, P.C.
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

IGOR ERIC KUVYKIN,
Debtor.

Chapter 7
Case No. 18-10760 -JLG

-----X
IPAYMENT, INC,

Plaintiff.

-v-

Adv. Proc. No.:
18-01573 JLG

IGOR ERIC KUVYKIN

Defendant,
-----X

ANSWER

Igor Eric Kuvykin (the “Defendant”), by his attorneys, Wayne Greenwald, P.C., as and
for his Answer to the Amended Complaint herein, dated September 10, 2018 (the “Complaint”):

1. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph numbered “1” of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph numbered “2” of the Complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph numbered “3” of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "4" of the Complaint, except to acknowledge that the New York Action commenced.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "5" of the Complaint, except to refer to th Judgement for its terms.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "6" of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "7" of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "8" of the Complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "9" of the Complaint, except to admit this Court has jurisdiction.
10. Admits the allegations contained in paragraph numbered "10" of the Complaint.
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "11" of the Complaint.
12. Admits the allegations contained in paragraph numbered "12" of the Complaint.
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "13" of the Complaint.
14. Denies knowledge or information sufficient to form a belief as to the truth of the

- allegations contained in paragraph numbered "14" of the Complaint
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "15" of the Complaint.
 16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "16" of the Complaint.
 17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "17" of the Complaint.
 18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "18" of the Complaint .
 19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "19" of the Complaint.
 20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "20" of the Complaint, except to refer to alleged documents.
 21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "21" of the Complaint.
 22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "22" of the Complaint.
 23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "23" of the Complaint.
 24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "24" of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "25" of the Complaint.
26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "26" of the Complaint.
27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "27" of the Complaint
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "28" of the Complaint except to refer to referenced document for its terms.
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "29" of the Complaint.
30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "30" of the Complaint.
31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "31" of the Complaint.
32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "28" of the Complaint, except to refer to referenced document for its contents.
33. In response to paragraph numbered "33" the Defendant repeats and restates his responses to the statements contained in paragraphs numbered "one through 32" of the Complaint.
34. This is a statement of law, not fact. Accordingly no response is required. To the extent on may be required, the Defendant denies knowledge or information sufficient to form a

belief as to the truth of the allegations contained in paragraph numbered "34" of the Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "35" of the Complaint.
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "36" of the Complaint.
37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "37" of the Complaint.
38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "38" of the Complaint and refer to the terms of the State Court Decision for its terms and provisions.
39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "39" of the Complaint.
40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "40" of the Complaint.
41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "41".
42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "42" of the Complaint.
43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "43" of the Complaint.
44. In response to paragraph numbered "44" the Defendant repeats and restates his responses

to the statements contained in paragraphs numbered "1 through 43" of the Complaint.

45. This is a statement of law, not fact. Accordingly no response is required. To the extent on may be required, the Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "45" of the Complaint
46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "46" of the Complaint .
47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "47" of the Complaint .
48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "48" of the Complaint.
49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "49" of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

50. Upon information and belief, the Complaint fails to state a claim for relief.

SECOND AFFIRMATIVE DEFENSE

51. Upon information and belief, any obligation of the Debtor to the Plaintiff based on the allegations and transactions described in the Complaint are satisfied, so the Plaintiff ceases to have a claim against the Debtor.

THIRD AFFIRMATIVE DEFENSE

52. Upon information and belief, the Plaintiff ratified any of the alleged misrepresentations described in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

53. Upon information and belief, any injury to the Plaintiff was the result of the Plaintiff's own conduct and not from any of Debtor's conduct.

FIFTH AFFIRMATIVE DEFENSE

54. Upon information and belief, any injury to the Plaintiff was the result of third-parties' conduct and not from any of Debtor's conduct.

SIXTH AFFIRMATIVE DEFENSE

55. Upon information and belief, the Complaint fails to comply with Fed.R.Bankr.P. 7009 and Fed.R.Civ.P. 9(b).

SEVENTH AFFIRMATIVE DEFENSE

56. Upon information and belief, the Plaintiff failed to mitigate its alleged damages.

WHEREFORE, the Defendant asks request that the Plaintiff's Complaint be dismissed together with such other and further relief as this Court deems proper, together with the Defendant's cost, disbursements and attorneys' fees and such other and further relief as this Court deems proper.

Dated: New York, New York
April 3, 2019

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New York, New York 10016
Tel No. (212) 983-1922

By: /s/ Wayne M. Greenwald Pres.
Wayne M. Greenwald

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